
MINUTES OF THE FIFTH MEETING OF THE 2010/2012 COUNCIL HELD AT
GUILD HOUSE ON 7th DECEMBER, 2010

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Present: Malcolm Sinclair (President – in the Chair), Laura Bailey, Kate Bancroft, Ian Barritt, Annie Bright, Jo Cameron Brown, John Carnegie, Jonathan Cecil, David Cockayne (Vice-President), Nicky Diprose, Esther Ruth Elliott, Bryn Evans (Honorary Treasurer), Peggy-Ann Fraser, Graham Hamilton, Ryan Forde losco, Yvonne Joseph, Joseph Kloska, Mary Lane, Corinna Marlowe, Brenda Marsh, Tina May, Paul Mead, Sheila Mitchell, Pauline Moran, Frederick Pyne, Dennis Ray, Rhubarb the Clown, Jean Rogers (Vice-President), Julia Carson Sims, Sanita Simms, Sally Treble, Samuel West and Christine Payne (General Secretary).

5.1 ANNOUNCEMENTS

5.1.1 The President was sad to announce the passing of two distinguished members, one of whom had been an ex-member of Council. This member was John Burgess. The President said that he had been a wonderful actor and a kind, decent man who had done a lot for the Union. Frederick Pyne added that John Burgess had always had the interests of the low-paid at heart and had been a brilliant trade unionist who had worked hard on Council where his experience had been a major asset.

The second member was Graham Crowden who had died a month before in Scotland. He had played the original Player King in Stoppard's *Rosencrantz and Guildenstern are Dead* and had also appeared in Lindsay Anderson's *If* and in the sitcom *Waiting for God*. He had been a great supporter of the Union. After his death, his daughter Sarah Crowden, also an actor, had attended the TUC Rally at the Central Hall, Westminster and the President had promised to mention Graham's name at the next Council meeting.

Following this announcement, Council observed a minute's silence in respect for the two members; this was followed by a final standing ovation.

5.1.2 The President asked Councillors, as provided in the Standing Orders for Council meetings, to seek prior approval from the President or General Secretary before leaving documents, leaflets or information items on tables or chairs for Councillors to peruse.

5.1.3 The President announced that the UK Film Council would be dealt with under Agenda item 3 – the Cuts Campaign.

5.1.4 Phil Clark, an accountant from Hard Dowdy would be coming in during the Finance 2010 Budget item to observe proceedings.

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- 5.1.5 There had been a change to the April Council date from 12th April to 5th April, 2010 to enable the General Secretary and President to attend the FIA Executive Committee in Australia.
- 5.1.6 The new RSC Contract would be a new item 4c.
- 5.1.7 **VAC Elections** – the President said that the General Secretary (C&MS) had details of those elected to the VAC by and from Variety Branches. The General Secretary said that only 397 from the Variety Branch registers had actually voted which was only about 4% of those eligible to vote. She said that she would discuss this situation further with the Officers and with the AGS (LP & O).

Points made in discussion:

- A Councillor reported that some Variety members had found it difficult to vote online and this was supported by another Councillor.

5.2 MATTERS ARISING FROM THE MINUTES FROM COUNCIL 4

It was **AGREED** following suggestions made by various Councillors and the Vice-President, David Cockayne that on occasions when a Council meeting was chaired by one of the Vice-Presidents (in the absence of the President) the identity of who had chaired the particular Council Meeting would be made clear at the beginning of the Council Minutes and that person would be referred to as the Chair throughout.

- 5.2.1 A Councillor reported that there were clashes between Branch and Committee Meetings and Council Meetings which would affect some Councillors' ability to attend. The President said that staff would look into this.
- 5.2.2 **Minute 4.1.7 – For information papers** – the General Secretary reported that three Councillors had submitted topics for discussion by 26th November; she said that she would report to the January Council meeting on when discussion on these could take place.
- 5.2.3 **Minute 4.1.8** – the General Secretary referred to the idea of reception staff receiving recognition for the extra work they had done during the Guild House refurbishment. She said that during the refurbishment all staff had had to put up with a lot of inconvenience; this had been raised in annual staff negotiations and the plan was therefore to look at rewarding all staff for the inconvenience suffered and that flowers to only three would be inappropriate. A Councillor thought it would be

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appropriate for all staff to get a bonus. The General Secretary said that OSMT would consider the most suitable form of recognition.

- 5.2.4** Corinna Marlowe reported that Sheila Collings was now in the Woodbury Unit of Whipps Cross Hospital and would be going to Denville Hall for respite care. Council wished her well.
- 5.2.5** **Minute 4.1.9 - Minute Corrections** - the General Secretary reported that OSMT had looked at the current arrangement and was recommending that this should continue and be reviewed in the Summer. Feedback from a number of Councillors had been positive and it was saving the Council time.

Points made in discussion:

- The important thing is that any substantive changes are clearly stated.
- Corrections should be corrections of fact and nothing else.

Following discussion, it was **AGREED** to reconsider the arrangements in the Summer.

- 5.2.6** **Minute 4.2.1 – Announcements** - the General Secretary reported that the Union had now received a letter from Culture Minister, Ed Vaizey, dated 6th August, 2010 in response to the Council's letter to the Prime Minister – this does not give any reassurance nor is it helpful in any way. It was **AGREED** that the reply should be posted on the Union Website.
- 5.2.7** **Minute 4.2.6 – ITV National Insurance** - a Councillor asked whether there had been any new developments in relation to the ITV National Insurance case. *Reply - the AGS (RM) replied that there had not been any as yet.*
- 5.2.8** **Minute 4.2.2 – BBC Pension Scheme** - a Councillor asked whether there had been any update in relation to the NUJ's proposed industrial action. *Reply – The AGS (RM) reported that BECTU had settled with the BBC on pensions which had made the dispute difficult for the NUJ. The NUJ dispute should not directly impact on Equity members.*
- 5.2.9** **Minute 4.2.3 - Organising in Equity** – a Councillor asked what progress was being made with the National Organising Team. *Reply - the AGS (LP&O) said that the Organising Team had met on 29th November and would be doing so again on 19th January.*
- 5.2.10** **Minute 4.2.8 – New procedures for dealing with New Members** – the General Secretary confirmed that all members of Council were

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now contactable by email.

5.2.11 Minute 4.3 – Comprehensive Spending Review – the AGS (C&MS) said that a donation of £100 would be made to 38 Degrees as per the suggestion in the previous Council debate on the Comprehensive Spending Review.

5.2.12 Minute 4.7.1 – The Hobbit – the General Secretary reported that she had met with the President of the New Zealand Union, Jennifer Ward-Lealand, who had been really heartened by the support from Equity. Jennifer had been through a very difficult time having been attacked by the Press, producers and employers. One producer had called her ‘damaged goods’. Despite this, she had managed to develop the Union so that it had grown from 150 to 600; the Union had handled the situation as well as could be expected and, although it had lost seven members during the dispute, it had actually gained twenty. The first Hobbit film would be starting in February, 2011 – there may still be difficult issues if guidelines are not offered to New Zealand actors. She had assured the New Zealand President that Equity would do everything it could to support them.

Points made in discussion:

- Could FIA help the New Zealand Union with publicity in some way? *Reply – the President said that Equity would help in whatever way possible.*

5.2.13 Minute 4.10 – Motions from Branches and Committees – the President reported that he had been asked to take part in the ‘It gets better’ campaign against homophobic bullying in the U.K. This was **NOTED**.

5.2.14 Confidential Minute 4.7.3 – BBC TV Agreement - the AGS (RM) reported that he had received a response to the Equity proposals from the BBC. They had thanked the Union for the letter of 8th November but had said that the BBC was extremely disappointed with the contents. He had asked his Secretary to liaise and find time for a meeting and this would now take place on the 20th December with the President, General Secretary, the Recorded Media negotiating team and James Lancaster who had previously invited the General Secretary to lunch to discuss ‘disturbing issues’. The President said that there would be a fight ahead with the BBC which would be very challenging.

Dennis Ray **proposed** and Sam West **seconded** that the Minutes were a true and accurate record of the meeting. This was **AGREED**.

5.3 FINANCE : 2010 BUDGET

The Head of Finance, Duncan Smith, spoke to Council on the current financial position. He said that under the fourth Draft Budget there was an operating surplus of £42,911. Subscription income was being assumed to drop by £30,000. An unexpectedly large amount had come in from Irish Cable monies. The figure under Other income for BECS rent reflects that six months will be rent-free. Under Benefits to Members, the contractual disputes figure had increased to £220,000 – the Head of Finance hoped that this had now bottomed out. £50,000 had already been paid out on the defamation case and a further £125,000 had been budgeted as the Union had lost the application for summary judgement. This will have a knock-on effect later on the operating deficit.

The General Secretary's election costs amounted to only £260.

The Head of Finance explained how the costs of the new Website would be apportioned under the heading of Exceptional Costs. Phil Clark from Hard Dowdy was asked at this point to explain further the issue of the rent-free period for BECS. He said that this could result in a distortion of accounting; it was necessary to look at the annualised rent figure up to the point where the lease can be broken – in this case at 5.5 years. It would then be necessary to put the rent-free period in the Balance Sheet as an accrual and level out the accounts over a five and a half year period – this was an accounting convention.

Bryn Evans, Honorary Treasurer then made some further comments on the financial position. He referred particularly to the current operating surplus and the possible pattern of future deficits. Currently expenditure was down on the previous draft budget but the figures for earned income had also been lower than expected throughout 2010 - the shortfall at the end of October was £45,000. He had reduced the expected figure for subscription income by only £30,000 because traditionally income figures tended to improve in November and December. The drop in income was mainly because the vast majority of members pay the minimum possible subscription – over 93%.

He said that staff costs showed that a tight control was being kept on these.

On the subject of the Defamation Case the Honorary Treasurer explained that the full court case would take place sometime in 2011 with a possible cost implication of £500,000. The case was now too far advanced for there to be any advantage in withdrawing representation. The provision for the defamation case will impact upon the likely deficit figure in the 2011 budget.

The FRS17 figures re the Staff Pension Scheme would not be received until January 2011.

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The view of the Honorary Treasurer was that although the Union seemed to be heading for a moderate operating surplus in 2010 the figures for 2011 would make grim reading. He saw this as a reality check for the Union and there would be a need to consider where savings could be made.

Points made in discussion:

- What are the costings on the new membership software scheme?
Reply – the Head of Finance replied that this scheme is not yet complete and it will not start depreciating until operative. It had gone into the Balance Sheet as opposed to the income and expenditure sheets. The General Secretary added that the cost had exceeded the original forecast – when Cyber had come in the cost had increased to £190,000. The system would hopefully be live by March/April, 2011. The AGS (C&MS) said that the links to the Website were important and that it would cost about £50,000 to make the two systems work interactively.
- What was it that we sold under other recognised gains and losses?
Reply – the Honorary Treasurer replied that certain stocks and shares had been sold by Newton Investment Management and these had been sold at a net profit to Equity.
- Why are the Website maintenance costs now nil? *Reply – the Head of Finance said he was checking the reason for this with Louise Grainger.*
- Why is Membership Cards printing now shown as nil? *Reply – the cards were previously invoiced by Access and the cost recouped from First Act – First Act is now being invoiced directly.*
- Is it possible to purchase an indemnity for the legal costs? *Reply – this will be looked into.*
- Will there be an increase in staff costs next year? *Reply – it was intended that there would be an increase in salaries in 2011.*

The President thanked Phil Clark from Hard Dowdy for his assistance at the meeting.

Council **NOTED** the figures provided.

5.4 CUTS CAMPAIGN

The AGS (C&MS) spoke to his written report on the Equity campaign against the Arts cuts. He said that the UK Film Council functions had been transferred

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to the British Film Institute but financial support to film was continuing which was welcome. Ed Vaizey, the Minister for Culture, Media and Sport, had announced that there was going to be a Film Forum but Unions had not yet been invited to get involved in stakeholder meetings.

Members in Northern Ireland had been campaigning hard with a postcard campaign and Equity had been invited to Stormont to address the Northern Ireland Culture Committee on 20th January – Drew McFarlane, one of the two National Organisers for Scotland and Northern Ireland, would be attending along with a member.

Thirdly, the AGS (C&MS) announced that Alison McGovern, MP was seeking to change the Libraries and Museums Act to create a statutory duty to support the Arts – this had been introduced under the 10 Minute Rule. The proposal has the support of David Miliband, MP and Tristram Hunt, the historian, among others.

Points made in discussion:

- There is a new body called Creative England which is just about Film – does this mean that there is a plan to create a parallel body to Creative Scotland which was an amalgamation of the Scottish Arts Council and Scottish Screen. *Reply – the AGS (RM) said that he had asked Ed Vaizey about this. It would be wider than Film but would not include any of the responsibilities of Arts Council, England. The General Secretary commented that she had also raised this with Alan Davey, ACE, who believed that responsibility for Film and the Arts would continue to be kept separate.*
- Following his briefing to Council at the previous meeting, Sam West explained that the Somerset Arts petition had been taken up by Take Art – 5,000 signatures were needed by 16th December. You needed to be employed or live in Somerset in order to sign. *Reply – the AGS (C&MS) commented that all members with Somerset postcodes had been emailed about the petition and a link had been up on the Website for the previous two weeks.*
- Has the funding grant gone for the Pitlochry Theatre? *Reply – John Carnegie replied that Creative Scotland was intending to remove the grant but that the theatre had several other funding streams.*
- There was a need to look at the effects on the funding of smaller organisations in city areas.
- Cultural tourism is very important to Scotland – if anything were to happen to the Edinburgh Festival that would be very serious.

5.5 LIVE PERFORMANCE

5.5.1 Manifesto for Theatre

The AGS (LP&O) referred to his written report. He said that the Manifesto for Theatre Working Group had now completed the Manifesto for Theatre document which represented a rank and file draft refined by Communications and Research. He said that in many ways the document represented a wish list – both Communications & Membership and Research had contributed to it. He said that the document would be published in the New Year either as a brochure or on the Website.

The President said he wanted thanks recorded to Frances Rifkin, John Gillett and Patricia Doyle for their assistance in preparing the document. This was **AGREED**.

Sheila Mitchell **proposed** adoption of the document and this was **seconded** by David Cockayne.

Points made in discussion:

- The names of the people involved should be included in the brochure.
- The document should be a starting point not a conclusion and should not just be a wish list.
- The Equalities Act is only mentioned at the end of the document – women should have their own section within the document. Equity must change its mindset and cease to refer to gender equality as a diversity issue. This is a huge issue which affects 50% of the membership including those female members within the minority groups who are doubly disadvantaged as a result. *Reply – the President said that the same argument should apply to gays and the elderly. The AGS (LP & O) said that this was a rank and file perspective and there had been a debate about how gender should be included. The Working Group issues will be picked up through Working Parties and different Committees. To have a separate chapter on gender rather than comment in the body of the document could be seen as marginalising. The Union was serious about gender issues and would take them forward as the Manifesto is utilised in organising work.*
- Theatres in receipt of public funding and those who commission work should do so within the obligations set by the Equalities Act; this is hardly a case of self-interest but one of justice for our female members.

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- Equity should make an effort on this – 80 years is long enough to wait.
- This was just a starting point – the document was being signed off as a foundation stone.
- Ian Barritt, who had been a member of the Working Party, commented that they had not wanted to start a bidding war in terms of competing groups.

The formal adoption of the document was **AGREED**.

5.5.2 Milton Keynes and District General Branch

The AGS (LP & O) referred to the report from John Ainslie, South East Organiser. The OSMT **Recommendation** arising from this was as follows:

‘That Council establish a Milton Keynes and District General Branch in line with the report submitted by John Ainslie’

The Recommendation was **proposed** by Graham Hamilton and **seconded** by Mary Lane.

This was **AGREED**.

5.5.3 RSC New Contract

The AGS (LP & O) explained to Council that the new Royal Shakespeare Company House Agreement included a 3.4% increase in Touring and Subsistence Allowances. He said it was a difficult environment in which to push for a £400 minimum at a time when cuts are taking place; members were not easily persuadable to do anything about this. He said we were unaware of performers contracted at the minimum rate at the Royal Shakespeare Company so that the fact that the ASM minimum was higher was not a great concern at this time. Attempts had been made to get performers more engaged in negotiations but other priorities exist at the present time.

Points made in discussion:

- Any agreement should be included on the Agenda and should not be For Information Only.
- Why was the House Agreement not endorsed by Council as happened with Shakespeare’s Globe? *Reply – the General Secretary explained that the renewal of a House Agreement was given for information only and this had been the case for the past ten years.*

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- The AGS (LP & O) said that staff resource was the issue and a judgement needed to be made as to when the Council should intervene. Preparing reports to Council takes time and improving agreements requires the support of workers on the ground.
- We have to ensure that minimums are actually being paid.

The verbal report was **NOTED**.

5.6 COUNCILLORS' MOTION IN THE NAME OF JOHN CARNEGIE

Council considered John Carnegie's Motion which read as follows:

'Examination of the 'For Information' material included in the Council agenda packs reveals that, over the last few years, the staff evolved and promulgated to the previous government a policy in regard to Product Placement advertising in television production. Research into Council Minutes over that period reveals that the Council was never asked to debate or approve such a policy.'

It is too late now to debate, approve and/or rescind this policy on Product Placement since the opportunity for influencing broadcasting on this matter has now passed. However, given that such a controversial matter of crucial importance to members' livelihoods bypassed the Council's democratic consideration, the SMT must ensure that in future no matters of policy should be promulgated to outside bodies until the basic subject matter thereof has been debated and agreed by the Council.'

John Carnegie spoke to his Motion – he said that there had been one occasion when something should have been brought to Council as policy but was not. He thought it important to raise this as a number of members had very strong feelings about product placement. The Danish Union, for example, had taken a very different view. He said that he did not want to re-open the issue itself but simply wished to ensure that a policy issue was not ignored in this way again.

Ian Barritt **proposed** that the following amendment be added to the end of the Motion– 'this shall not preclude staff from responding to urgent events which occur between Council meetings. However, endorsements of such actions should be sought from Council at the earliest opportunity.'

This was accepted by John Carnegie and the Motion, as amended, was **seconded** by Ian Barritt.

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The General Secretary commented that she did not disagree with a lot of what John Carnegie had said. In addition, she thought Ian Barritt's amendment very helpful as it gave the staff the ability to develop policy between meetings as had happened with the Select Committee on the Arts though it could be said that a lot of this had already been existing Council policy.

She said that a discussion document on product placement had been issued in 2006. Matt Payton, the then Press and Parliamentary Officer, would at that time have consulted members and with the staff member then responsible for commercials within Recorded Media. He had then come up with a response which had been sent to Council for information purposes. The issue had been picked up last year when there had been a further consultation.

The General Secretary commented that there was a difficulty in what the Motion was asking for. She said that the responsibility for promulgating policy must lie with the General Secretary and not with the SMT. The Motion needed to make that clear but also give the General Secretary some flexibility. Asking the General Secretary to define policy could lead her to make a reasonable decision that something was policy which was subsequently disagreed with by Council leading to the theoretical possibility of disciplinary action. If there was no recognition that such questions were sometimes a question of judgement then everything would have to come to Council for ratification.

Dennis Ray **proposed** substituting 'General Secretary' for 'SMT'. This was agreed by John Carnegie.

Points made in discussion:

- It was important to look at precedents but this was not the case with this issue of product placement.
- This could affect staff's ability to speak freely to the Press.
- Negotiating involves changing position rapidly; it may be necessary to make a decision on the hoof. This Motion could remove staff's ability to do this.
- Council should discuss, support and approve policy developments which happen during negotiation.

Following these discussions, the General Secretary proposed an amendment. She suggested that the words 'obviously new' be inserted into the Motion after the words 'the General Secretary must ensure that in future no'. This was **AGREED**.

The amended Motion therefore read as follows:

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'Examination of the 'For Information' material included in the Council agenda packs reveals that, over the last few years, the staff evolved and promulgated to the previous government a policy in regard to Product Placement advertising in television production. Research into Council Minutes over that period reveals that the Council was never asked to debate or approve such a policy.

It is too late now to debate, approve and/or rescind this policy on Product Placement since the opportunity for influencing broadcasting on this matter has now passed. However, given that such a controversial matter of crucial importance to members' livelihoods bypassed the Council's democratic consideration, the General Secretary must ensure that in future no obviously new matters of policy should be promulgated to outside bodies until the basic subject matter thereof has been debated and agreed by the Council. This shall not preclude staff from responding to urgent events which occur between Council meetings; however, endorsement of such actions should be sought from Council at the earliest opportunity.'

The Motion as amended was **AGREED**.

5.7 STUC 2011 MOTIONS

The following motions had been proposed by the Scottish Committee for the STUC 2011:

Motion 1

The Creative Industries in Scotland have an estimated turnover of £5.1 billion (in 2007) and employed over 60,000 people. In the current economic climate, against a backdrop of one of the biggest reductions in public expenditure in living history, Congress reasserts its commitment to Scotland's Creative Industries and recognises the role they will play in helping the wider economy recover over the coming years.

Recommendation: Council is asked to endorse.

Motion 2

Following a successful series of conferences across Europe organised by FIA (the International Federation of Actors) culminating in a conference in Edinburgh and a report published in 2010, this Congress supports FIA's *Handbook of Good Practices to Combat Gender Stereotypes and Promote Equal Opportunities in Film, Television and Theatre in Europe* and agrees to promote this report to all affiliates.

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Equity, together with our sister unions and the Women's STUC is committed to promoting equality of representation for women of all ages but especially those over 50, in the areas of entertainment and broadcasting, in the public and political arena, and in all forms of employment.

Recommendation: Council is asked to endorse.

Motion 1 was **proposed** by Rhubarb the Clown and **seconded** by Pauline Moran.

Motion 2 was **proposed** by Sam West and **seconded** by Ian Barritt.

Both Motions were **AGREED**.

5.8 EUROFIA - AMSTERDAM

The General Secretary referred to her written report on this meeting on 16th and 17th October, 2010. The AGS (RM) then provided an update on the WIPO Audio-Visual Performance Treaty. He said the objective was to create a level playing field for audio-visual performance which would apply across the world.

He said that the Standing Committee of WIPO had set the agenda and countries had been asked for any amendments to the 19 Articles – it was still at least two years away from a potential treaty but had made progress.

He said that the Dancers Working Group representatives would be Stephen Spence and Hilary Hadley.

The report was **NOTED**.

5.9 ARC 2010: MOTION 31 – Proposed Rule Change

The AGS (C&MS) referred to his written report on this change which included the proposed change to **Rule 3.2.17** and the addition of three new rules at **4.8.1**, **4.8.2** and **4.9.3** as follows:

Rule 3.2.17

Add

“as long as the expression of personal political and other beliefs or other conduct or activities relating to those beliefs do not cause a breach of 3.1.1.8 by unfairly discriminating against, harassing or victimising other persons because of their sex, race, ethnic or national origin, religion, colour, class,

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caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic”.

Add after 4.7

Rule 4.8.1

The Council may reject an application for membership if in its opinion the conduct or activities of the applicant have at any time been such as would amount to a breach of 3.2.17 had the applicant for membership been a member at the time.

Rule 4.8.2

Any persons whose application is provisionally rejected in accordance with 4.8.1 must be given a notice in writing of the proposal to exclude them and the reasons for the rejection and be informed in writing of their right to make written representations to the Council within 14 days of receipt of the notice as to why they should not be excluded from membership.

Rule 4.8.3

Any written representations shall be considered by the Council at the next Council meeting before a final decision is made whether to accept an application for membership by a majority vote of the Council present at the meeting.

The **Recommendation** was that Council agree that the proposed rule change be put to a referendum of members.

The OSMT recommendation was **proposed** by Graham Hamilton and **seconded** by Sanita Simms.

Points made in discussion:

- What about the use of the phrase ‘expression of belief’? *Reply – the AGS (C&MS) said that Paul Statham had believed the notion of ‘expression of belief’ was included in the word ‘conduct’.*

The **Recommendation** was **AGREED** unanimously.

The Meeting then broke for lunch and was reconvened by the President at 2.02 p.m.

5.10 RECORDED MEDIA

5.10.1 ITV Video on Demand

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The AGS (RM) told Council that a meeting had been scheduled to meet with executives from ITV on 3rd December, 2010 to discuss payments for the ITV Video on Demand services for 2010 and 2011. The proposal had been received the night before at 10.30 p.m. They had offered an uplift in fees which would be backdated with a view to going back into negotiations to seek a settlement for 2011. He said that this was additional money for members and appeared to be a reasonable increase. Council would be asked to endorse this. This was **NOTED**.

5.10.2 BBC 7

The AGS (RM) referred to the memo from Cathy Sweet, BBC Audio Organiser which set out the BBC's proposals for the extension of the BBC 7 licence through to April 2013. He said the station could be rebranded sometime next year and become Radio 4Extra. He said the negotiations had been very successful and the Union had achieved all of its main objectives. The **Recommendation** was to accept the proposals as set out in Cathy Sweet's report. The Recommendation was **proposed** by Sheila Mitchell and **seconded** by Corinna Marlowe and was **AGREED**.

5.11 EQUITY/BECS SECONDMENT ARRANGEMENT

The General Secretary referred to her written report which included a response by BECS to her letter of 22nd October, 2010. She said that Equity was progressing the issues referred to in her letter so that a report would be brought back to the January Council Meeting.

Jean Rogers, Vice-President and Chairman of BECS, reported that BECS had an extra Board Meeting on 6th December and was looking to appoint a new full-time Chief Executive Officer from 1st May, 2011. The BECS Board would be writing further to Equity about the cessation of the secondment agreement. She said that the BECS AGM would be at 1.30 p.m. on 10th December at the Royal Opera House.

The General Secretary's written report and the Vice-President's update were **NOTED**.

5.12 ONLINE DECISION MAKING

The General Secretary referred to her written report on On-Line Decision Making for Committees with Delegated Authority. She said that the OSMT **Recommendation** was that the Standing Orders for Committees with Delegated Authority be amended to allow these Committees to process business between meetings on the following basis:

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1. Only those Committees with Delegated Authority will be entitled to make decisions online and between scheduled meetings of the Committee.
2. Such Committees will only be able to made decisions which fall within the following categories:
 - a. The decision relates to an Agreement within the remit of the Committee including on-going negotiations, claims, etc
 - b. The Committee having begun a debate at a scheduled meeting decides at that meeting that further discussion is needed and that this can take place in the Forum. This excludes the Committee's ARC Motion which must be endorsed by a meeting of the Committee.
3. A decision can only be made by a majority of the members of the Committee and not the Committee's quorum.
4. Before a vote is taken and a decision made the Secretary to the Committee must be consulted.
5. The Committee at a scheduled meeting must make a decision as to whether or not during its two year term it wishes to avail itself of the facility to make decisions online. All members of the Committee must have an email address and all must agree that decisions can be made online on the basis as outlined.

The Committees with Delegated Authority were: Choreographers, Concert & Session Singers, ITAC (Independent Theatre Arts Committee), Stage Managers, Theatre Designers and Theatre Directors.

The OSMT **Recommendation** was therefore as follows:

'The Council approves these proposed amendments to the Standing Orders for the Committees with Delegated Authority (and the Rules contained with the Frequently Asked Questions Document) in order to enable the use of internet forums for discussion and decision-making on the basis outlined'.

This was **proposed** by John Carnegie and **seconded** by Dennis Ray

Points made in discussion:

- Why does the Audio Committee not have delegated authority? *Reply – none of the Agreements for Audio are delegated, they have always come to Council. The General Secretary said she would look at this.*

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- A problem with delegated authority is that the Committee had to put a claim together to fit the Council schedule – this arrangement will be more flexible.
- Is this only about agreements? *Reply – no, there can be decisions on other matters.*

The Recommendation was **AGREED** nem con with 1 abstention.

5.13 NATIONAL, AREA, SPECIALIST AND EQUALITY COMMITTEE ELECTIONS

5.13.1 Review of the 2009 round of Equity Committee elections.

The AGS (C&MS) referred to his written report on this. He said that there had been significant changes to the way in which Equity's national, area, specialist and equality committees had been elected in recent years. Until 2007, these committees were elected in different ways and at different times in a way which risked being confusing for members and probably contributed to the extremely low participation. In 2007 these elections were brought together into a single, unified process resulting in a significant increase in membership involvement. The Equity Council decided that while these changes were proving effective they should be kept under review.

The second reason for the review was to resolve a structural difficulty affecting those committees elected from a register. The rules of these committees state that they shall be elected by members on or entitled to be on the appropriate register – for example, the Choreographers' register. Equity's practice up until 2009 had been to distribute ballot papers for these committees only to members on the appropriate register. In the run-up to the 2009 elections, Equity's Independent Scrutineer, Popularis, questioned this practice as it disenfranchised those members entitled to be on the register and therefore entitled to vote, but who were not in fact on the appropriate register either by choice or accident and therefore not sent a ballot paper. Popularis believed that Equity could be challenged by a disenfranchised member if this practice continued. The result was that in 2009 ballot papers for these committees were sent to all members with clear instructions about eligibility to vote.

He said that there were two possible decisions: one was to leave the rules exactly as they were and the other was to distribute ballot papers only to those members on the appropriate register. Taking the second of these options might result in having to give the job of running elections back to Organisers and could make the elections look disjointed from the members' perspective.

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He said that the OSMT view was that the committees should be elected on the broadest possible remit and they were therefore supporting the first option under which ballot papers would go out to every member. Under this option, it would be a question of trusting members to be honest, for example, about having ever worked as a Theatre Director. The AGS (C&MS) then referred to both **Recommendations** under consideration by Council which were as follows:

- 1 That the process of improving the design and lay-out of these election materials, in consultation with the committees concerned, continues.
- 2 That the committee rules are left as they are so that any member on or entitled to be on the appropriate register has a right to vote. Ballot papers will continue to be targeted at members by region, gender and age, but to ensure that all eligible members are afforded an opportunity to vote, all ballot papers will include voting grids for those committees elected by members on or entitled to be on a register. Ballot papers will include clear instructions on eligibility to vote in each ballot.

The Recommendations were **proposed** by David Cockayne and **seconded** by Dennis Ray.

Points made in discussion:

- The second option should be followed – the problem with the first option was that not all Theatre Directors, for example, voted in the last elections and not all those who voted were Theatre Directors. It doesn't work to say only vote for those Committees you should be voting for. *Reply – in order to ameliorate the concerns of the Theatre Directors' Committee, the AGS (C&MS) gave an assurance that considerably more prominence would be given to an instruction in the ballot paper that members should only vote in elections for the committees which covered specialisms in which the individual member worked.*
- Registers are voluntary.
- Is there an audio register? *Reply – there is an Audio Register but the Audio Committee had asked for their Committee election to be voted on by the whole membership.*
- Under the second proposal, what would happen with Walk Ons? *Reply – the Walk Ons have always been voted for by the whole membership.*
- The registers are of no relevance if they are wholly voluntary.
- People not in Wales might want to vote for members of the Welsh Committee – under Option Two they would be disenfranchised. *Reply – to vote for the Welsh Committee you have to be resident in Wales.*

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- Can you be on more than one register? *Reply – yes, you can.*
- Most of those who vote when not entitled to do so in error so we should explain the voting rules better. *Reply – the AGS (C& MS) agreed that the ballot paper needed to have clearer instructions and this was being addressed.*

The Recommendations were **ENDORSED**.

5.13.2 Timetable for the 2011 round of Committee elections

The AGS (C&MS) referred to the Draft Timetable under Agenda item 12b.

The Timetable was **ENDORSED**.

5.14 WOMEN'S COMMITTEE OPEN MEETING

The Vice-President, Jean Rogers, referred to the written report from Max Beckmann, Equalities Officer. She referred particularly to the points made by experienced actresses about the employment of women performers and to Ann Mitchell's comment about the need for Commissioners to be courageous in their decision-making. She said there would be a meeting with Tony Panayiotou, the Director of Diversity at Arts Council, England on 15th December which she would be attending along with the General Secretary and the Equalities Officer.

The Equalities Officer's report and the Vice-President's verbal update were **NOTED**.

5.15 ENGLISH AREA COMMITTEES – RULES AND STANDING ORDERS

The General Secretary referred to her written report and to the proposed changes to Rule 2 – Objects which were as follows:

- (a) To advise the Council and, subject to (d) below, take action AND **ORGANISE** on any matters relevant to the professional employment of Equity members in the ???? Area, the boundaries of which shall from time to time be decided by the Council.

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- (b) To work and liaise with other local bodies in the area, e.g. regional Arts Boards, regional TUCs, within the policies and Rules of the Union.
- (c) To serve as a channel of communication **AND ORGANISATION** between the Council, members **AND BRANCHES** in the area and vice-versa.
- (d) Any action taken on behalf of the Union shall only be in accordance with the Objects of Equity as laid down in Rule 3 of the Rules of the Union and the established policies of the Council and shall be subject to prior approval of the Council or the General Secretary.
- (e) The Committee may elect from its number delegates or representatives to relevant organisations, meetings or other events which may exist or take place within or relating to the geographical area of the Committee, subject to prior approval of the Council or the General Secretary.

Given that this proposal arose from a meeting of the Chairs of the English Area Committees, it is recommended that the proposals are considered by each Area Committee at their next meetings.

She hoped that Committees would agree to the proposed changes.

The **Recommendation** was therefore as follows:

'That each English Area Committee is asked to consider at their next meeting the proposed changes to Rule 2 – Objects of the Rules and Standing Orders for Area Committees and a further report be brought to Council in February 2011.

The Recommendation was **proposed** by Sally Treble and **seconded** by Mary Lane.

This was **AGREED**.

5.16 MEMBERSHIP

5.16.1 New Members

The New Members were **proposed** by Ian Barritt and **seconded** by Yvonne Joseph. These were **AGREED**.

5.16.2 Current Membership Position

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The AGS (C&MS) said that membership had continued to grow throughout the year though recruitment had slowed in the last quarter. Student membership was at an all-time high at over 5,000 members.

The current Membership position was **NOTED**.

5.17 LEGAL CASES

5.17.1 Special Attention List

Equity Member Caroline Rodgers v BBC TV

A verbal report on this case was given to Council by Martin Kenny, Legal Referrals Officer. The Member's application for legal protection was fully **ENDORSED** by Council.

5.17.2 Miscellaneous Cases

MISCELLANEOUS

Gary Grace v Spenceley & DBS Events Ltd - Stokesley

Natalie James v Elliott – Big Beat - Northants

Scott Thatcher v Kate Williams - Fareham

Andrew Poz v Verwood Hub

Chris Cotton v Lotus Garden Restaurant - Warrington

Sam Diprose v Tracey Miller – Leicester

Ben Stone v Kirsty Harris – Ormskirk

Juan Guzman v White Air Extreme Sports Ltd

Andrew Caine v Cliff Richard Organisation

The Miscellaneous Cases were **NOTED**.

5.18 MOTIONS FROM BRANCHES AND COMMITTEES

5.18.1 Northern Ireland National Committee

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Northern Ireland National Committee unanimously calls on the Equity Council to approve the co-option to the Committee of Lucy McConnell following the resignation of Dan Gordon.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

5.18.2 The Young Members' Committee

The Young Members' Committee requests approval from Council to co-opt Lucy McConnell to their committee for the remainder of the current term of office. Lucy is a young member and Branch Secretary of the Northern Ireland General Branch. The committee is currently all English in membership, and committee members wish to ensure that the views of young members in the other nations of the UK are included.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

5.18.3 The Walk-On and Supporting Artists Committee

Since March 2010 trade union members have been provided within the law with protection against being blacklisted. Everyone on a blacklist is protected, including non-union members.

It is also unlawful for an employment agency to refuse its services to you for a reason related to a blacklist.

The Walk-On and Supporting Artists Committee request Council to ensure that all members, branches and committees are made aware of this protection and that they are all advised to report to Equity any breach of the new regulations affecting them or those they represent.

OFFICERS/SMT RECOMMENDATION: Support and ensure that the BIS Guidance: (<http://www.dius.gov.uk/assets/biscore/employment-matters/docs/blacklist-bis-guidance.pdf>) is made available as a link on our websites.

This was **AGREED**.

5.18.4 The Walk-On and Supporting Artists Committee

The Walk-On and Supporting Artists' committee requests the Council to authorise copies of all the correspondence received by Equity relating to 'lost data' (regarding secondary payments for Walk-On's and Supporting Artists engaged by LWT's 'Poiret', which was subsequently purchased by Granada) be provided to the committee in order assist the committee to

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consider and propose possible methods by which the losses by members might be recovered.

OFFICERS/SMT RECOMMENDATION: Oppose

Equity has been in negotiation with ITV regarding repeat fees that are due to walk on artists for various episodes of 'Poirot' produced between 1990-1994. ITV has lost all cast information for the walk on artists on these programmes. Equity has been working with the one agency that provided all the walk-on artists and as a result has compiled a list of walk-on artists from booking diaries at the time this information was given to ITV as a list of those walk-on artists who would be owed fees. ITV has proposed a final figure in order to settle this claim but it is Equity's view that this amount is still too low and has been rejected. Therefore Equity has been forced to hand this over to solicitors in order to get a legal opinion on how best we can proceed to ensure that our members receive the repeat fees they are due. This matter is in hands of the solicitors and we await their response. Equally as this may result in legal action against ITV, all the information is of a confidential nature and must be treated as such.

The OSMT Recommendation was **AGREED**.

5.18.5 The Thames Variety Branch

The Thames Variety Branch asks Council to start an immediate campaign to protect the Equity members working in clubs such as the White Horse in Hackney which are being threatened by the "nil policy" designed to categorise such venues as falling within the new Sexual Entertainment Licence legislation and to prevent councils from closing long-standing, well run venues.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

5.18.6 The VAC

The VAC asks Council to start an immediate campaign to protect the Equity members working in clubs such as the White Horse in Hackney which are being threatened by the "nil policy" designed to categorise such venues as falling within the new Sexual Entertainment Licence legislation and to prevent councils from closing long-standing, well run venues.

OFFICERS/SMT RECOMMENDATION: Support as above

This was **AGREED**.

5.18.7 Welsh National Committee

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This WNC views with the utmost concern the Westminster Government's plans to place responsibility for the future funding of S4C in the hands of the BBC. It strongly supports calls for the securing of absolute financial and artistic independence for S4C.

The Committee, whilst welcoming a review of the channel's internal administration, is adamant that a decrease in programme-making funds will be hugely detrimental to the channel's ability to retain or increase its viewing figures.

Finally, the Committee expresses its full support for the devolution of appropriate funding and legislative powers regarding the channel's future to the Welsh Assembly Government in Cardiff.

OFFICERS/SMT RECOMMENDATION: Council is asked to support the first two paragraphs of this Motion but to oppose the third. The problem with the third paragraph is that it seeks devolved authority for the funding of S4C to the Welsh Assembly. As Council knows, broadcasting, as a whole, is not a devolved issue and supporting a level of devolution in this way may create a number of potential difficulties. The Government has already stated that it intends to pay for S4C through the licence fee. Whilst we would be happy to oppose this there is a danger that, having already agreed this position with the BBC, if this matter were devolved then the licence fee would be "top sliced" if the aims of the first paragraph were met. Equally, if this were the case then why stop at S4C. If part of the broadcasting infrastructure is devolved then what about Scotland and Northern Ireland? Council persuaded the Northern Ireland Committee to remit a motion at this year's ARC on this very issue as it has always opposed any devolution of broadcasting for fear of an eventual split up of the BBC.

It may be argued that if the funding of S4C was devolved that should have no impact on the licence fee as these are two entirely separate matters. If that is the case then where would the Welsh Assembly find the necessary funding to support S4C? If the UK Government refused to provide additional funding to the Welsh Assembly for S4C, highly likely given their decision to get the BBC to pay, then one can only assume that the money would have to be found from the Assembly's current budget which would be a disaster for both S4C and other Arts and Culture currently facing cuts in Wales.

The call for devolved responsibility for S4C is a knee jerk reaction which a number of organisations and certain members of the Assembly are now supporting. Prior to any possible support for such a move Council would need to be assured that: 1. the integrity of the licence fund was protected and that no "top slicing" would take place; 2. adequate alternative funding was available to the Welsh Assembly which would not adversely affect other Arts projects in Wales, and; 3. that any such move could be completely ring fenced to insure that this was not the start of further devolution of broadcasting which could ultimately lead to the breakup of the BBC. Given that none of these

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assurances are, or are likely to be, on the table Council should, whilst recognising the concern of the Welsh National Committee, oppose this part of the Motion.

Ian Barritt **proposed** endorsing the OSMT recommendation and this was **seconded** by Sheila Mitchell.

Points made in discussion:

- This is not the same as other broadcasting in that it involves Welsh language broadcasts. The Welsh Assembly government should have the remit to protect S4C. *Reply - The AGS (RM) said that Council policy was to oppose the devolution of broadcasting so following this Motion would contradict this. In addition, in his view there was no guarantee that the Welsh Assembly would protect S4C.*
- Did the Committee Chair see the Recommendation? *Reply – the General Secretary said that when a recommendation is made the policy is to send it to the Committee Chair at the same time. She said she would check that this was happening.*

The OSMT Recommendation was **AGREED**.

5.18.8 The VAC

The VAC requests that Council reconsiders the decision not to continue with the plan to insure members against the cost of tax inspections. To insure our members against the extra costs of individual inspections would not only reassure our current members, it would also be a major incentive to recruit new members, especially in the variety field.

OFFICERS/SMT RECOMMENDATION: Council received a report for noting at the March 2010 setting out the cost of such insurance together with the Officers/SMT view that this matter should not be pursued. Council should be aware that the Musicians Union does provide such an insurance which we believe to be at a cost of £3 per member for their entire membership. There are many other insurance packages which the Union could buy into but it is the view of the Officers/SMT that the current package provided by the Union provides significant incentives to non-members and addresses the major areas of concerns expressed by our members. The call to reopen this issue should therefore be opposed.

The AGS (RM) commented that the problem with this kind of insurance was the cost. There was a premium of £59.00 plus a deposit of £10,000.

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The OSMT Recommendation was **proposed** by Sanita Simms and **seconded** by Ryan Ford losco and **AGREED**.

5.19 COUNCILLOR'S MOTION

5.19.1 Motion in the name of Ryan Ford losco

'The Young Members' Committee and our membership are currently uncomfortable about the rising numbers of expensive workshops with members of the Casting Director's Guild. The extortionate prices of some of these workshops are taking advantage of actors at a time of great financial difficulty when the chance to meet with a member of the CDG is an opportunity that is most attractive to our more vulnerable members. Council agrees to send a letter, written by the General Secretary, to the CDG in regards to holding a meeting to discuss this issue further'.

The Motion was **proposed** by Ryan Ford losco and **seconded** by Sheila Mitchell.

Speaking to his Motion, Ryan Ford losco said that large numbers of Casting Directors were behaving in this way and members were being taken advantage of during a recession. He hoped that everyone would accept this Motion as this was what the Union should be about.

Points made in discussion:

- Equity should take a stand on this issue.
- The AGS (LP & O) said that he had heard of similar problems from the South East London Branch in relation to workshops run by Directors. The problem was that there was no law against them doing this.
- Members would be better attending branches where Casting Directors do attend.
- Members should be contacted and advised not to go to these meetings.
- It amounted to Casting Directors asking us to pay them to do their job.
- The General Secretary said that she was not uncomfortable about writing this letter to the CDG. She was confident the Union would get a meeting at which she could express her concerns and explain what the Union's perceptions on the matter were. She thought the CDG would be interested to hear Equity's concerns given that we could take action which could impact on these income streams.

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- The AGS (LP & O) said that it would be possible for the Union to organise on this and look at possible picketing and mobilisation. It would depend on the CDG's response.

In his Right of Reply the mover of the Motion commented that the Actors' Centre had hosted a casting three months before – this had involved an eight minute meeting with a Casting Director at a cost of £30.00.

The Motion was **CARRIED** unanimously.

The meeting ended at 4.35 p.m.

Signed by the President

Date: